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- **Crime scene photographs**
- **Field interview of Witness [redacted] by Deputy Michael Markman, #[redacted]**
- **Surveillance Video provided by Witness [redacted]**

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Antelope Valley Press, "Deputies shoot ax-wielding man," article dated 02/12/16

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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
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JAMES GARRISON • Director

February 4, 2020

CAPTAIN KENT WEGNER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Matthew Quinn
J.S.I.D. File #16-0061
L.A.S.D. File # 016-02573-1137-013

Dear Captain Wegner:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 11, 2016, fatal shooting of Matthew Quinn by Los Angeles County Sheriff's Deputies Kit Gruppie, Paul Mendez, and Arnold Camacho. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

cc: Deputy Kit Gruppie, #[redacted]
Deputy Paul Mendez, #[redacted]
Deputy Arnold Camacho, #[redacted]

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MEMORANDUM

TO:	CAPTAIN KENT WEGENER Los Angeles County Sheriff's Department Homicide Bureau 1 Cupania Circle Monterey Park, California 91755
FROM:	JUSTICE SYSTEM INTEGRITY DIVISION Los Angeles County District Attorney's Office
SUBJECT:	Officer Involved Shooting of Matthew Quinn J.S.I.D. File #16-0061 L.A.S.D. File #016-02573-1137-013
DATE:	February 4, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 11, 2016, fatal shooting of Matthew Quinn by Los Angeles County Sheriff's Department (LASD) Deputies Kit Gruppie, Paul Mendez, and Arnold Camacho. We have concluded that the deputies acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 7:29 p.m., on February 11, 2016. The District Attorney Response Team (DART) responded to the location, and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings, transcripts of interviews, the autopsy report, crime scene diagrams and sketches, photographic and video evidence, and witness statements submitted by LASD Homicide Detectives Margarita Barron and Dameron Peyton.

FACTUAL ANALYSIS

Quinn shared a residence on [redacted] in Lancaster with his [redacted] [redacted] and [redacted] [redacted] [redacted] stated that Quinn was drinking beer the afternoon of February 11, 2016, then became delusional about what was being said by people in the neighborhood. Quinn began breaking items in the house, yelled at his [redacted] and [redacted][2] then took an axe (which he normally kept in his bedroom), went outside, and began yelling at neighbors.[3]

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[1] [redacted] and [redacted] were interviewed together at their home later that evening following the incident.

[redacted] disclosed that Quinn was a diagnosed schizophrenic who was prescribed medication for his condition.

[redacted] remained in house and watched her [redacted] from a living room window.

One of the neighbors, [redacted], heard Quinn yelling that he was going to kill everyone. [redacted] described Quinn as shouting at an imaginary person. [redacted] walked by Quinn's house and saw Quinn standing outside spewing profanities. [redacted] asked Quinn if he was okay. Quinn threw a ceramic tile at [redacted] which missed and shattered in the street. Quinn called [redacted] a racial epithet, shouted profanity, and announced he had a gun. Quinn reached behind him as if retrieving a weapon, saying he was going to shoot [redacted] who moved away in response.[4]

According to [redacted] Quinn then went inside the house and came back holding an axe. Quinn pursued [redacted] to [redacted] residence approximately five houses away while shouting profanities. In route, Quinn threatened another neighbor, saying, "I'm going to cut off your head." Quinn rubbed the blade edge of the axe with his finger and said, "It's sharp enough to take off your head!" Quinn kept advancing towards [redacted] See Figure 1 below.

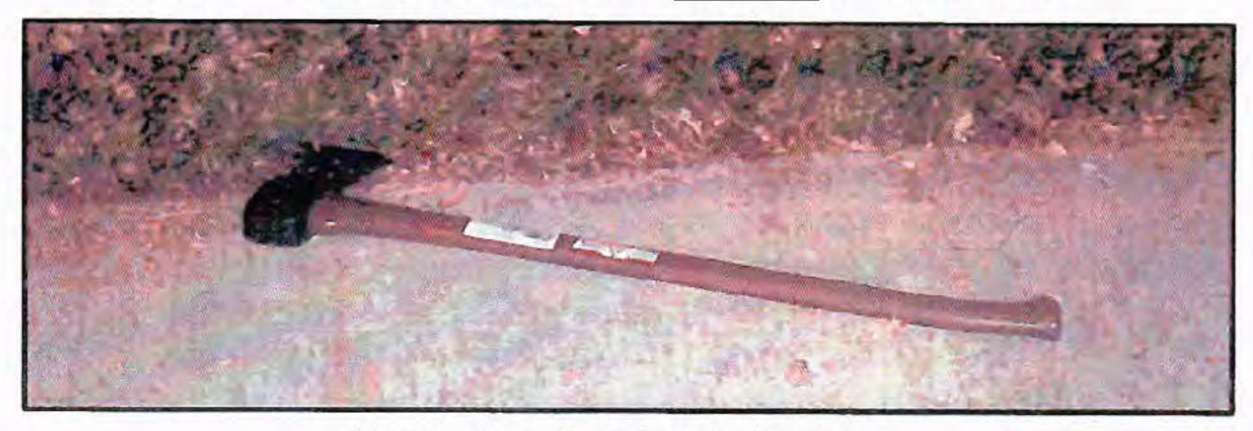


Figure 1: Axe used by Quinn during his attack.

[redacted] retrieved a pair of baseball bats from [redacted] house, and came back outside. [redacted] swung the bats in the air in an attempt to scare Quinn away.

[redacted] began walking towards another neighbor's home,[5] and Quinn followed her. Quinn raised the axe over his head but did not swing it at [redacted] followed Quinn in order to protect [redacted] A neighbor, [redacted] went to call the sheriff's department. [redacted] heard Quinn say, "I don't care when the deputies get here. I'm going to kill the deputies!" Quinn then went and stood in front of his own house. [redacted] reported that before deputies arrived, Quinn said he was going to behead a police officer because of problems he had with them in the past.[6]

Gruppie responded to a radio call concerning a "man with an axe." Gruppie was the first deputy to arrive on scene. [redacted] directed him towards Quinn's location. Gruppie used patrol car headlights and spotlights to illuminate the residence. Gruppie was working a one-person unit that

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[4] [redacted] account was substantially corroborated by [redacted] and [redacted] both said they had no history of conflict with Quinn.

[5] [redacted] indicated that the friend's home was in the general direction of Quinn's house.

[6] [redacted] was fearful of Quinn during the confrontation and expressed the view that Quinn seemed capable of carrying out his violent threats. [redacted] related that Quinn was holding the axe in the front yard when deputies arrived and described Quinn as "ready to hit a cop."

night, but had a civilian ride-along whom he instructed to remain in the patrol car. Gruppie exited his vehicle and saw Quinn standing by a pillar near the front door approximately 30 feet away. Gruppie described Quinn as appearing disheveled and crazed. See Figure 2 below.



Figure 2: Photograph depicting pillar near the front door.

Camacho and Mendez arrived shortly thereafter and positioned their vehicle nearby. As per plan, Camacho popped the trunk so that Mendez could retrieve the stun bag shotgun, which Mendez did. Mendez saw Quinn standing outside the front door. Camacho took a position of cover by the patrol car. See Figure 3 below.

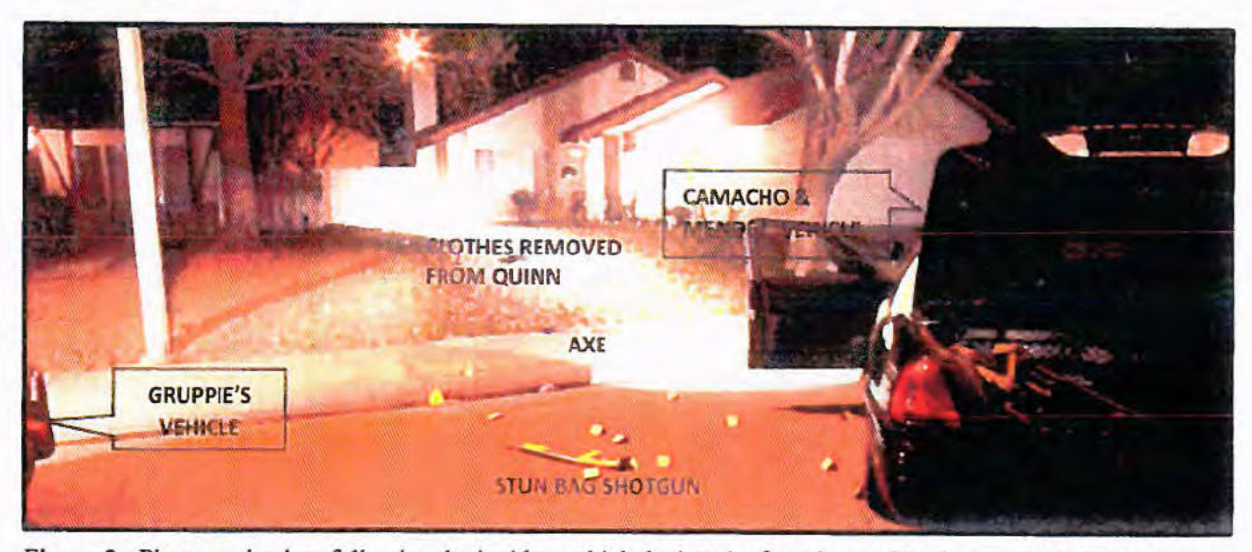


Figure 3: Photograph taken following the incident which depicts the front lawn of the house where Quinn was waiting when deputies responded, with pertinent items identified therein.

Mendez heard Gruppie and Camacho ordering Quinn to walk forward with his hands up. Quinn waved his hand in a dismissive manner, then turned toward the porch and retrieved the axe from behind the pillar. Quinn began to swing the axe back and forth in one hand as he advanced. Gruppie ordered Quinn to drop the axe. Both [redacted] and [redacted] confirmed that deputies repeatedly ordered Quinn to drop the axe but Quinn refused. Quinn responded, "I'm not putting down my damn axe!" and, "No. Uh-uh. I'm not doing it." Mendez heard Camacho also give Quinn orders to, "Drop the axe! Stop right there!" to which Quinn repeatedly responded, "Nope. Not gonna happen. Not gonna happen." Gruppie and Camacho continually gave Quinn commands

to drop the axe, but Quinn advanced carrying the axe in a manner that made Mendez fearful Quinn would throw the axe and strike one of the deputies.

When Quinn reached the mid-point of the yard, Mendez fired a stun bag round that struck Quinn in the upper center chest. The round had no effect. Mendez fired a second stun bag round that also struck Quinn in the chest, at which point Quinn looked down at his chest, and shook his head side to side indicating "No." Mendez said Quinn said something to the effect, "Not gonna happen," or, "Not today," and continued to advance. Mendez fired a third round, which was also ineffective.[7]

Quinn closed the distance between him and the deputies to within 20 feet. Believing himself to be in mortal danger, Gruppie fired three to four rounds from his Beretta 9mm semiautomatic pistol. Quinn fell to the ground with the axe underneath him. Quinn attempted to get up and reach for the axe. Gruppie fired one additional round at Quinn, which Gruppie perceived as ending the attack.[8] Camacho estimated that Quinn approached to within approximately 15 feet when Camacho fired an estimated three to four rounds[9] from his Sig Sauer P226 9mm semiautomatic pistol toward Quinn's upper torso area. Quinn fell to the ground and Camacho ceased firing. Mendez said that Quinn was about five feet from Gruppie and Camacho when Mendez dropped the stun gun shotgun and transitioned to his service weapon, a Beretta 9mm semiautomatic pistol. As Mendez transitioned, Mendez heard Gruppie and Camacho open fire. Mendez fired a single shot, at which point Quinn fell to the ground.[10] Camacho broadcast on his radio that deputies were involved in a shooting.

After Quinn was shot, deputies administered CPR and called paramedics. Los Angeles County firefighter paramedics responded to the scene to treat Quinn, who was transported via American Medical Response ambulance to Antelope Valley Hospital, where he was pronounced dead by a treating physician.

Officers who investigated the scene found damage inside the house, including Quinn's bedroom door pulled off its hinges. The door contained strike marks consistent with an axe. Broken glass was scattered on the floor of the house, corroborating [redacted] account of Quinn breaking objects during a tirade. Three stun bag cartridges were recovered near the curb line in front of the house, along with eleven 9mm cartridge cases. Stun bag strike marks were visible in the grass. Stun bag projectiles were found nearby. These ballistic items corroborated the deputies' accounts of the incident. A shattered ceramic tile was found near the curb in front of Quinn's house, consistent with the statement provided by [redacted]

On February 14, 2016, a post-mortem medical examination was conducted by Los Angeles County Department of Coroner Deputy Medical Examiner J. Daniel Augustine, M.D. Dr. Augustine concluded that Quinn's death resulted from multiple gunshot wounds. Quinn was shot a total of ten times. Without opining as to which wounds were fatal, the medical examiner

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[7] Both [redacted] and [redacted] described the deputies as having tased Quinn twice, with no effect; however, it seems probable these witnesses mistook the stun gun shotgun (which is yellow) for a taser as law enforcement personnel gave no indication of having deployed any taser devices.

[8] A discrepancy appears between the number of rounds reported in the inventory and the number of rounds photographed in connection with Gruppie's weapon and the associated magazines. The evidence suggests Gruppie may have fired five or six rounds.

[9] The evidence is consistent with Camacho having fired six rounds.

[10] Mendez's weapon was inventoried and found to contain one round in the chamber and 14 rounds in the 15 round magazine, consistent with his having fired one round.

noted the presence of multiple visceral and vascular injuries that led to death by exsanguination. Toxicological analysis determined that Quinn had a femoral blood alcohol level of .142, and a vitreous blood alcohol level of .169.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505. In evaluating whether a police officer's use of force was reasonable, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations: "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

In protecting oneself or another, a person may use all the force which that person believes reasonably necessary and that would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code § 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code § 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. *Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code § 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. The officer may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." *Id.* at 1146; quoting *People v. Bond* (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable

doubt that a killing was not justified. CALCRIM Nos. 505, 507. As noted by one California appellate opinion, "[w]here the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

In the present case, Quinn – who was reported to be threatening neighbors with an axe – picked up the axe from his porch and approached the deputies in a menacing way while steadfastly refusing to put down the deadly weapon. Repeated efforts to subdue Quinn with nonlethal measures were unsuccessful. Repeated instructions to put down the axe were ignored. When Quinn advanced to a point where deputies were in danger of great bodily injury or death, they responded with deadly force. The deputies used lethal force to protect themselves against a swift peril after they had repeatedly attempted to stop Quinn using commands and less lethal measures. Given this rapidly evolving and dangerous situation, the deputies were justified in resorting to lethal force in response to the threat posed by Quinn's actions.

CONCLUSION

We find that Deputies Gruppie, Mendez, and Camacho acted in lawful self-defense and defense of others when they used deadly force against Matthew Quinn. We are closing our file and will take no further action in this matter.